HON'BLE SRI JUSTICE V.V.S. RAO

WRIT PETITION No.10296 of 2005

24-08-2005

Between:

Mangali Venkateswarlu

…Petitioner.

And

The Commissioner,

A.P. Charitable and Hindu Religious Institutions and

Endowments Department,

Hyderabad and others.

…Respondents.

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ORDER :

The petitioner claims to be the lessee of agricultural wet land admeasuring Acs.1-86 cents in Sy.No.545/1 of Kondapuram village, Dornipadu Mandal, Kurnool District. The land belongs to Sri Ramalingeswara Swamy Temple, Paraipalli village, Allagadda Mandal, Kurnool District, third respondent herein. When the Manager of the temple issued an auction notice proposing to lease out the lands for agriculture for a period of one year, the petitioner approached this Court challenging the same.

In the counter affidavit though it is admitted that the land was leased out to the petitioner in 1999, it is stated that the petitioner is only holding the land benami and that when a demand was raised for payment of lease amount, a third party paid the amount. It is also the case of the respondents that the lease of the land expired. Therefore, auction was proposed to be conducted for the period 2005-06.

It is needless to point out that sub-section (2) of Section 82 of the A.P. Charitable and Hindu Religious Institutions and Endowments Act, 1987 (for short 'the Act') confers a right on a landless poor person, who is a tenant of the temple lands, to purchase the land for consideration of 75% of the prevailing market value of the lands similarly situated. It is also the right of a small and marginal farmers who are not able to purchase the land to continue as tenants provided they agree to pay 2/3rd of the market rent as the lease amount. A landless poor person is defined as a person whose total extent of land either as a owner or cultivating tenant does not exceed Acs.2-50 (wet) or Acs.5-00 (dry) land. The petitioner, admittedly, is in occupation of Acs.1-86 cents wet land. Therefore, liberty is given to the petitioner to approach the Assistant Commissioner of Endowments under Rule 3 of the A.P. Charitable and Hindu Religious Institutions and Endowments (Lease of Agriculture Lands) Rules, 2003 and seek a declaration as to whether he is a landless poor person as defined under Section 82 of the Act. To enable the petitioner to do so, there shall be *status quo* as on today for a period of four weeks. In the meanwhile the petitioner may approach the Assistant Commissioner of Endowments, who is directed to dispose of such application within a period of six weeks after filing of the application.

The writ petition is accordingly disposed of. No costs.

(V.V.S.RAO, J.)

24-08-2005

Msr.

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(Msr)